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REMARKS

Claims 1-11 remain pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

The Examiner has rejected each of the pending claims under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. No. 6,470,346 to Morwood (the "Morwood patent") in view of U.S. Pat. No. 6,385,637 to Peters et al. (the "Peters patent"). (See 06/08/2006 Office Action, p. 2, ¶ 1).

The Morwood patent describes a method for managing and performing computational tasks, wherein the method enables a requesting client to invoke a computation on a remote server. (See Morwood patent, col. 1, ll. 28-30). This remote computation process allows the user to export any computationally intensive applications to a server that is appropriate for the execution of that particular application. (See Id., col. 1, ll. 50-63). The Examiner correctly points out that the Morwood patent does not disclose that the manager task kills the client task when a client process is not completed in a predetermined time period. (See See 06/08/2006 Office Action, p. 23, ¶ 5). However, the Examiner attempts to correct this deficiency with the Peters patent.

The Examiner argues that the Peters patent "explicitly discloses" a method that kills a client task when a corresponding client process is not completed within a predetermined time. (See 06/08/2006 Office Action, p. 5, ¶ 11(A)). The Peters patent describes a method for a timer that is incorporated into a multi-tasking operating system of an automatic call distributor system. (See Peters patent, Abstract). The periodic process timer collects files or output and arranges and organizes them to provide an engineer or technician with data representations of execution times for each selected software process. (See Id., col. 4, ll. 32-36). Specifically, the periodic process timer is used to allow selected processes to execute so that information concerning the total accumulated processing time is ascertained. (See Id., col. 6, ll. 7-28). The Peters patent teaches that each selected process, specified in the task list 66, has a predetermined amount of time to execute. When the time period expires the currently executing task is ***suspended*** and the

amount of time dedicated to the task is recorded. Another process may then begin to execute. (See Id, col. 9, ll. 12-13). In contrast, independent claim 1 of the present invention recites "a system for managing a plurality of client processes, comprising a manager task...that *kills* the client task when a current one of the client processes is not completed within a predetermined time period."

Applicants have reviewed the Peters patent in its entirety and have not found a single disclosure directed at *killing* a process or task before it is completed. It is respectfully submitted that there are several indications within the specification of the Peters patent that teach away from such functionality. The first indication is the exclusive use of the term "suspend" as oppose to "kill." It is well known in the art that a current process can be suspended temporarily while another process is serviced. Execution of the suspended process can then be resumed from the point at which it was suspended. There is no disclosure within the Peters patent implying the term "suspend" refers to anything other than what is well known in the art. Secondly, killing a process frustrates the method described in the Peters patent; specifically, a "timing method for *accurately* timing software processes in a multitasking operating system of an automatic call distributor system." (See Peters patent, col. 1, ll. 6-8). The time associated with a process' execution cannot be accurately determined if the process is *killed* after a predetermined period, regardless of it's completion. However, if the process is *suspended*, as taught in the Peters patent, subsequent time dedicated to the process is added to the time accumulator value 78, resulting in an accurate assessment. (See Id., col. 9, ll. 33-39; col. 6, ll. 15-28). Such an assessment is all the more critical given the intended use of the system and method as a tool to determine whether the processing power of an ACD system can handle current and future demands. (See Id., col. 5, ll. 49-62). A third indication that the Peters patent teaches away from *killing* a process after a predetermined period of time is that branch-back address data may be stored in the status indication word 74 of the task block 68. (See Peters patent, col. 8, ll. 33-35). And finally, the Peters patent teaches that "in *each* period of time that a task or process is executed by the operating system 12, the elapsed time represented by the hardware timer 42 is *added* to the time accumulator values 78 corresponding to *that task or process*. Accordingly, the value stored in *each* time accumulator value 78 represents the *total* amount of processing time

that the *corresponding task or process used.*" (See Peters patent, col. 9, ll. 33-39) (emphasis added).

Conversely, it is respectfully submitted that it would not be obvious to one skilled in the art to suspend a task as taught by the Peters patent in the current invention. The purpose of killing a task in the present invention, as recited in claim 1, is to prevent the task from running in a loop indefinitely. (See Background Information, p. 2, ll. 6-8). As such, it would not be desirable to merely suspend the task, only to have the task resume running in the endless loop.

Thus, it is respectfully submitted that neither the Morwood patent nor the Peters patent, alone or in combination, disclose or suggest "a system for managing a plurality of client processes, comprising a manager task...that *kills* the client task when a current one of the client processes is not completed within a predetermined time period," as recited in claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw his rejection under 35 U.S.C. § 103(a) of independent claim 1. Because claims 2-5 depend from and, therefore, include all the limitations of corresponding claim 1, it is respectfully submitted that these claims are also allowable over the cited references.

Claim 6 recites a method "*killing* execution of the client task" when the client task "is not completed within a predetermined time period." Therefore, for the reasons outlined above with respect to claim 1, it is respectfully submitted that the Examiner withdraw his rejection under 35 U.S.C. §103(a) based on the Moorwood patent in view of the Peters patent of claim 6, and the claims depending therefrom (claims 7-10).

Claim 11 recites a "computer-readable storage medium storing a set of instructions." Those instructions perform the step of "*killing* execution" of a client task if does not complete within a predetermined period of time. Thus, for the reasons discussed above for claim 1, it is respectfully submitted that the 35 U.S.C. §103(a) rejection based on the Morwood patent in view of the Peters patent of claim 11, should be withdrawn.

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CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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